

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 96-900

July 13, 1999

PUBLIC UTILITIES COMMISSION
NYNEX SCHOOL AND LIBRARY PROJECT

ORDER

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we extend the operation of the current School and Library Network Project for an additional year, through June 2001.

II. BACKGROUND

As part of Bell Atlantic Maine's last rate case, the Commission ordered that up to \$4 million a year, for five years, be used to reduce rates and/or provide additional services to Maine's libraries and schools. Frederic Pease v. New England Telephone Company d/b/a NYNEX, Docket No. 94-254 (May 15, 1995) Order at 58; Docket Nos. 94-254, 94-123 (Jan. 5, 1996) Order at 20. The Legislature subsequently enacted legislation declaring that computer-based information services are important economic and educational resources that should be made available statewide. 35-A M.R.S.A. § 7101(4). The statute allowed the Commission to require telecommunication carriers to fund such activities, and the Legislature recognized that the Commission's actions creating the Maine School and Library Network were pursuant to this policy and authority. 35-A M.R.S.A. § 7104-A (repealed by P.L. 1999, ch. 409, see discussion below of a new 35-A M.R.S.A. § 7104-B); P.L. 1997, ch. 631.

The Commission implemented the Maine School and Library Network Project in the spring of 1996 based on a plan submitted by representatives of all interested parties. As of December 1997, virtually every eligible school and library was connected to the internet with a 56 kbps connection, or through other means of their own choosing using the alternative equivalent funding of a 56 kbps connection. Through various orders the Commission authorized additional spending on training and technical assistance. In December 1998, the Commission allowed schools and libraries with a demonstrated need, to obtain a higher speed T-1 connection. As of June 1999, 129 T-1s had been installed.

The Legislature recently enacted additional legislation to further enhance access to technology for Maine's schools and libraries. P.L. 1999, ch. 409 (codified at 35-A M.R.S.A. § 7104-B). This law requires the Commission to establish a telecommunications education access fund and all telecommunication carriers offering telecommunications services within the state to contribute to the fund. The fund will be

used to pay the costs for schools and libraries to acquire and use advanced telecommunication technologies, as prescribed in the statute. The Commission may commence the assessment no earlier than July 2001.

III. DISCUSSION

The current School and Library Network Project funded through Bell Atlantic is set to expire in June 2000. The new legislation allows the Commission to begin assessing all telecommunications carriers to support internet connections and other advanced technologies beginning in July 2001. Our School and Library Network Advisory Board submitted a letter on June 10, 1999, recommending that we extend the current program for an additional year to avoid any "gaps" between the existing program and any program designed pursuant to the newly enacted legislation to begin in July 2001.

By June 2000, Bell Atlantic projects it will have approximately \$7 million remaining in the escrow account required by our May 1995 Order. Therefore, sufficient funds remain to underwrite another year of the program without additional funds being added to the escrow account. We agree with our Advisory Board that such an extension will ensure against gaps in program offerings and will allow sufficient time to implement the new legislation. We act now to extend the current program as schools and libraries will soon begin the budgeting process for the 2000-2001 time period.

Accordingly, we

O R D E R

1. That the current School and Library Network Project will be extended until June 30, 2001.

Dated at Augusta, Maine, this 13th day of July, 1999.

BY ORDER OF THE COMMISSION

Raymond J. Robichaud
Assistant Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Civil Procedure, Rule 73, et seq.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.